

258 CMR 8.00: DEFINITIONS AND GENERAL PROVISIONS

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8.01: Purpose

The purpose of 258 CMR 8.00 *et seq.* is to establish and clarify the requirements for licensure of social workers in the Commonwealth of Massachusetts; define the scope of practice for each level of social work licensure; set standards of practice and conduct for licensees; establish standards relating to confidentiality of client information and maintenance of client records; prescribe continuing education requirements for renewal of licensure; and specify standards and procedures for disciplinary action against licensees.

8.02: Authority

258 CMR 8.00 *et seq.* is adopted pursuant to the authority granted to the Board by M.G.L. c. 13, § 84, and is adopted in accordance with the requirements of M.G.L. c. 30A.

8.03: Gender of Pronouns

Pronouns having gender refer to persons of both sexes.

8.04: Definitions

As used in 258 CMR 8.00 *et seq.*, the following terms shall have the following meanings unless the context in which they are used clearly indicates otherwise:

Accredited College or University – a college, university or other institution of post-secondary education which is accredited by a regional educational accrediting body recognized by the United States Department of Education or equivalent as determined by the Board.

Agency - any partnership, corporation, association, limited liability company, limited liability partnership, or other business organization or entity, whether for profit or not for profit, which provides social work services, either exclusively or in combination with other types of goods or services.

Association of Social Work Boards or ASWB - the Association of Social Work Boards, whose current mailing address is 400 South Ridge Parkway, Suite B, Culpeper, VA 22701, or its

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successor agency.

Applicant - any individual who is applying for a license to practice social work in the Commonwealth of Massachusetts pursuant to M.G.L. c. 112, § 130 through 137 and 258 CMR 8.00 *et seq.*

Board - the Massachusetts Board of Registration of Social Workers.

Case Management Services - the performance of social work services which involve planning, coordinating, evaluating and monitoring the provision of services to a client from a variety of sources.

Client - any person with whom a social worker has established a social worker-client relationship and to whom a social worker is providing, or has provided, professional social work services.

Client Encounter - any meeting or other interaction between a social worker and a client or prospective client during which the social worker performs professional social work services for, or engages in a professional consultation with, that client or prospective client.

Client Services Record - a written record of all non-clinical social work services provided to a client.

Clinical Social Work Services - the application of social work theory and specialized clinical knowledge and methods to assess, diagnose, prevent and treat mental, emotional or behavioral disorders, conditions or addictions through the provision of individual, marital, couples, family or group counseling and psychotherapy of a non-medical nature for the purpose of improving, restoring or enhancing the social and/or psychosocial functioning of such individuals, couples, families or groups. Such services include, but are not necessarily limited to, the provision of individual, marital, couples, family or group counseling and psychotherapy services and the performance of related collateral contacts and record-keeping. Clinical social work services expressly excludes the diagnosis of any organic illness or the treatment of any illness by medical or organic therapies.

Clinical Treatment Record - a written record which documents the existence of a social worker-client relationship and which contains information acquired or revealed in the course of, or in connection with, the performance of clinical social work services by a social worker, including but not limited to the information specified in 258 CMR 22.00. The term “clinical treatment record” shall not, however, include any handwritten notes made contemporaneously by a social worker during a client encounter, as long as such notes are used solely for the purpose of preparing case notes, progress notes or other entries in a client’s clinical treatment record at a later time, and are not preserved or retained thereafter.

Clinical Treatment Summary - a written document which provides information about a social worker-client relationship and the nature and extent of any clinical social work services provided to that client, but does not include the substantive content of any communications

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made to the social worker during the course of, or in connection with, the performance of the social worker's clinical social work services or any other materials which would otherwise reflect the thoughts, feelings or impressions of the client obtained or revealed during the provision of those clinical social work services.

Communications - any oral, written or electronic communications, correspondence, actions or occurrences which take place during the course of, or in connection with, the performance of professional services by a social worker for a client, including any records, memoranda, or notes of such communications, correspondence, actions or occurrences, and regardless of whether or not the client is aware of such communications, correspondence, actions or occurrences.

Counseling - engaging individuals, families, or groups of individuals in conscious, problem-solving discussions about psychosocial problems. Such counseling may or may not include facilitating the client's obtaining financial or other forms of environmental assistance.

Council on Social Work Education or CSWE - the Council on Social Work Education, currently located at 1600 Duke Street, Alexandria, Virginia, 22314, or its successor.

Eligible for Licensure – an individual is “eligible for licensure” as that phrase is used in 258 CMR 12.02, 258 CMR 12.03 or 258 CMR 12.04 when that individual has applied for and has been approved by the Board, having met specified education and experience requirements, to take the examination for licensure at either the licensed independent clinical social worker level, the licensed certified social worker level, or the licensed social worker level, but either has not yet taken the examination or has taken the examination and not yet received the results of that examination.

Employee - an individual who is subject to the direction and control of an organization or unrelated individual with respect to the nature of the work to be performed and the manner in which such work is to be done, including but not limited to such matters as work hours, method and amount of compensation, decisions about what services will be provided, decisions about who will receive such services, and other terms and conditions of employment. The question of whether an individual is or is not an “employee” does not depend on the specific method of remuneration for services.

Health Care Facility - any hospital, nursing home, extended care facility, public or private institution for ~~persons with intellectual disabilities~~~~the mentally ill or mentally retarded~~, clinic, health maintenance organization or health care facility licensed or otherwise operating legally within the Commonwealth of Massachusetts.

Independent Practice of Clinical Social Work - the performance or provision of clinical social work services as a self-employed solo practitioner, or as an associate in a group practice who is an independent contractor, and not as an employee of an agency, health care facility or unrelated individual as the term “employee” is defined in 258 CMR 8.05.

License - an authorization granted by the Board and its agents to a named individual, pursuant

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to M.G.L. c. 112, § 131 and 258 CMR 9.00, which permits that named individual to lawfully engage in the practice of social work in the Commonwealth of Massachusetts.

Licensed Certified Social Worker (LCSW) - an individual who meets the qualifications set forth in M.G.L. c. 112, § 131 and 258 CMR 9.04 and who is licensed by the Board to perform or provide social work services in accordance with 258 CMR 12.02.

Licensed Independent Clinical Social Worker - an individual who meets the qualifications set forth in M.G.L. c. 112, § 131 and 258 CMR 9.03 and who is licensed by the Board to engage in the independent practice of clinical social work in accordance with 258 CMR 12.01.

Licensed Social Worker - an individual who meets the qualifications set forth in M.G.L. c. 112, § 131 and 258 CMR 9.05 and who is licensed by the Board to perform or provide social work services in accordance with 258 CMR 12.03.

Licensed Social Work Associate - an individual who meets the qualifications set forth in M.G.L. c. 112, § 131 and 258 CMR 9.06 and who is licensed by the Board to perform or provide social work services in accordance with 258 CMR 12.04.

Non-clinical Social Work Services - the application of social work theory, knowledge and methods to improve, restore or enhance the social and/or psychosocial functioning of individuals, couples, families, or groups through the provision of services other than counseling or psychotherapy. Non-clinical social work services include, but are not necessarily limited to, community organization; program planning and development; administration of community services or programs; assessment of client needs for non-clinical community programs or services; formulation of plans for the delivery of community services based on client needs; coordination and/or evaluation of service delivery; advocacy on behalf of persons or groups with unmet service needs; and provision of training about community needs and problems.

Practice of Social Work - rendering or offering to render any clinical social work service, non-clinical social work service, or case management service, as defined in 258 CMR 8.05, to any individual, family, or group of individuals for any fee or other form of compensation, monetary or otherwise.

Prospective Client - any individual who obtains, requests or engages in a professional consultation with a social worker, either in person or otherwise, in contemplation of receiving professional social work services.

Psychotherapy - psychotherapy of a non-medical nature in which psychological and interpersonal theories and methods are used to assess, interpret and/or modify conscious and/or unconscious processes of behavior.

Social Worker - any individual who is duly licensed by the Board to practice social work in the Commonwealth of Massachusetts pursuant to M.G.L. c. 112, § 131 and 258 CMR 9.00.

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Social Work Intern - any individual who has filed an application with the Board for licensure as a social worker pursuant to 258 CMR 9.00 but whose application has not yet been approved or denied by the Board.

Social Work Student - an individual who is enrolled in an undergraduate or graduate-level school or program of social work accredited by the Council on Social Work Education, but who has not yet applied for or obtained a license to practice social work from the Board.

Unrelated Individual - an individual who is not related to another individual by blood, marriage, or adoption.

8.05: Functions and Duties of the Board

The members of the Board shall be appointed by the Governor in accordance with M.G.L. c. 13, § 80. The functions and duties of the Board shall include, but shall not be limited to, the following:

- (1) To establish the conditions and qualifications required for licensure to practice social work in the Commonwealth of Massachusetts, in accordance with M.G.L. c. 112, §§ 130 through 137;
- (2) To evaluate the qualifications of license applicants and determine their eligibility for licensure to practice social work;
- (3) To prescribe, and provide for the administration of, examinations for licensure of social workers;
- (4) To evaluate the qualifications of out-of-state and foreign social workers and determine their eligibility for licensure to practice social work in the Commonwealth of Massachusetts by means of reciprocity, in accordance with M.G.L. c. 112, § 132;
- (5) To issue license certificates to all individuals who have met all of the applicable requirements for licensure as a social worker;
- (6) To establish and maintain rosters of the names and addresses of all social workers who hold licenses to practice social work issued by the Board;
- (7) To establish and administer continuing education requirements for renewal of licenses;
- (8) To adopt and promulgate such rules and regulations as are necessary and proper for the transaction of its business, the betterment of social work practice, and the promotion and protection of the public interest;
- (9) To investigate all complaints which come to its attention regarding the practice of social work which indicate possible violation of any of the provisions of M.G.L. c. 112, §§ 130 through 137, or 258 CMR 8.00 *et seq.*;

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- (10) To conduct adjudicatory proceedings in accordance with M.G.L. c. 30A and 801 CMR 1.00 *et seq.*;
- (11) To take such disciplinary action as may be appropriate in the case of any violation of any of the provisions of M.G.L. c. 112, §§ 130 through 137, or 258 CMR 8.00 *et seq.* by any individual who holds a license to practice social work issued by the Board;
- (12) To refer to appropriate law enforcement authorities cases of persons practicing social work without a current license issued by the Board; and
- (13) To perform all other functions and duties prescribed or authorized by M.G.L. c. 13, § 84 and M.G.L. c. 112, §§ 130 through 137.

8.06: Board Procedures

- (1) Board Meetings. The Board shall hold at least two meetings per calendar year, one of which shall be an annual meeting for the election of officers to be held on or before October 31 of each calendar year. The Board may hold additional meetings at the call of its chairman, at the call of its secretary, or upon the written request of any two members of the Board. In all cases, due notice of the date, time and place of such meetings shall be given to all members of the Board.
- (2) Quorum. Four members of the Board shall constitute a quorum for the transaction of business, ~~provided that at least one of those four members is a member who was selected from, and who represents, the general public.~~ A simple majority of those members present shall constitute a majority necessary for official action by the Board.
- (3) Officers. At the annual meeting prescribed by 258 CMR 8.067(1), the Board shall elect from among its members a chairman, a vice-chairman, and a secretary. Such officers shall serve for a period of one year, but may be reelected for additional terms of one year. If an officer cannot complete his or her term, the vacancy shall be filled at the next meeting of the Board. The chairman shall preside at all meetings of the Board. If the chairman is absent for any reason, the vice-chairman shall preside in his or her absence.

8.07: Severability

If any provision of 258 CMR 8.00 *et seq.*, or the application of any such provision to any person or circumstances, is held to be invalid by a court of competent jurisdiction, such invalidity shall not affect other provisions or applications of 258 CMR 8.00 *et seq.* which can be given effect without the invalid provision or application. To this end, the provisions of 258 CMR 8.00 *et seq.* are declared to be severable.

REGULATORY AUTHORITY

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258 CMR 8.00: M.G.L. c. 13, § 84.